

FILED  
DEC 19 2017  
CLERK, U.S. DISTRICT COURT  
RICHMOND, VA

Civil Action No. 3:17CV361-HEH

**(Adopting Report and Recommendation and Dismissing Action)**


**ORDERED that:**

1. The Report and Recommendation (ECF No. 9) is **ACCEPTED** and **ADOPTED**;
2. Respondent's Motion for Summary Judgment (ECF No. 5) is **GRANTED**;
3. Babb's § 2241 Petition (ECF No. 1) is **DENIED**;
4. Babb's claims and the action are **DISMISSED**; and
5. A certificate of appealability is **DENIED**.

Should Babb desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to Babb and counsel of record.

It is so ORDERED.

 /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE